

2007 No. 3001 (C. 117)

PRISONS

YOUNG OFFENDERS INSTITUTIONS

YOUTH COURTS AND OFFENDERS

**The Offender Management Act 2007 (Commencement No.1 and
Transitional Provisions) Order 2007**

Made - - - -

10th October 2007

The Secretary of State makes the following Order in exercise of the power conferred by section 41 of the Offender Management Act 2007^(a):

Citation and interpretation

1.—(1) This Order may be cited as the Offender Management Act 2007 (Commencement No.1 and Transitional Provisions) Order 2007.

(2) In this Order “the Act” means the Offender Management Act 2007.

Commencement

2.—(1) The day appointed for the coming into force of the following provisions of the Act is 1st November 2007 —

- (a) section 16 (power of search in contracted out prisons and secure training centres);
- (b) section 17 (power of detention in contracted out prisons and secure training centres);
- (c) section 18 (powers of authorised persons to perform custodial duties and search prisoners);
- (d) section 19 (powers of director of a contracted out prison);
- (e) section 20 (amendment of section 87 of the Criminal Justice Act 1991);
- (f) section 25 (removal of requirement to appoint a medical officer etc);
- (g) section 26 (independent monitoring boards);
- (h) section 27 (amendment of section 8A of the Prison Act 1952);
- (i) section 32 (functions of Youth Justice Board);
- (j) section 33 (detention and training orders: early release);
- (k) section 34 (accommodation in which period of detention and training to be served);
- (l) section 35 (escort arrangements);

^(a) 2007 c.21.

- (m) section 36 (orders and regulations);
- (n) section 37 (financial provisions);
- (o) section 38 (power to make consequential and transitional provision etc);
- (p) section 39 (minor and consequential amendments, transitionals, and repeals) insofar as it relates to the entries in Schedules 3, 4 and 5 specified in paragraphs (r), (s), (t) and (u) of this article;
- (q) section 40 (extent);
- (r) Schedule 3, Part 2 (prisons), Part 3 (DTOs: accommodation) and Part 4 (escort arrangements);
- (s) Schedule 4, Part 3 (provision relating to Part 3);
- (t) Schedule 5, Part 2 (prisons), the entries relating to:
 - (i) sections 6(2), 7, 17 and 28(5) of the Prison Act 1952(a);
 - (ii) the Race Relations Act 1976(b);
 - (iii) the Criminal Justice Act 1991(c);
 - (iv) the Criminal Justice and Public Order Act 1994(d); and
 - (v) the Freedom of Information Act 2000(e); and
- (u) Schedule 5, Part 3 (miscellaneous), the entries relating to:
 - (i) the Criminal Justice and Public Order Act 1994; and
 - (ii) the Powers of Criminal Courts (Sentencing) Act 2000(f).

(2) Prior to the coming into force of sections 21 to 23 of the Offender Management Act 2007, the references in section 86A(2) of the Criminal Justice Act 1991 and section 9A(2) of the Criminal Justice and Public Order Act 1994 to sections 39 to 40D of the Prison Act 1952 shall be read as references to section 39 to 41 of that Act.

3. The day appointed for the coming into force of the following provisions of the Act is 1st May 2008 —

- (a) section 31 (accreditation of programmes for purposes of programme requirements);
- (b) section 39 (minor and consequential amendments, transitionals, and repeals) insofar as it relates to the entry in Schedule 5 specified in paragraph (c) of this article; and
- (c) Schedule 5, part 3 (miscellaneous), the entry relating to section 202(3)(b) of the Criminal Justice Act 2003(g).

Signed by the authority of the Secretary of State

10th October 2007

David Hanson
Minister of State
Ministry of Justice

(a) 1952 c.52.
 (b) 1976 c.74.
 (c) 1991 c.53.
 (d) 1994 c.33.
 (e) 2000 c.36.
 (f) 2000 c.6.
 (g) 2003 c.44.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force certain provisions of the Offender Management Act 2007 (c.21). Article 2(1) lists those provisions of the 2007 Act that shall come into force on 1 November 2007. Article 2(2) is a transitional provision which ensures that the powers of detention in relation to the offences of assisting a prisoner to escape and conveyance of prohibited articles into or out of a prison have effect in relation to the existing offences contained in sections 39 to 41 of the Prison Act 1952, pending the commencement of the new offences in the Prison Act to be introduced by sections 21 to 23 of the 2007 Act.

Article 3 specifies the provisions that shall come into force on 1 May 2008.

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